



WEB COPY



W.P.No.4958 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2023

CORAM :
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.4958 of 2020

M.Yaraf

... Petitioner

Vs.

1.The State of Tamil Nadu
rep. by its Principal Secretary to Government,
Home Department,
Fort St.George,
Chennai – 600 009.

2.The Director General of Police,
Chennai – 600 004.

3.The Deputy Commissioner of Police,
Armed Reserve, Pudupet,
Chennai – 600 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the 1st respondent to consider the representation of the petitioner dated 06.06.2018 and 04.11.2019 against the orders of removal from service.

For Petitioner : Mr.S.Selvathirumurugan

For Respondent 1 : Mr.M.Shahjahan,



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Special Government Pleader

Respondents 2 & 3 : No appearance

ORDER

The petitioner has filed this petition seeking direction to the the 1st respondent to consider the representation of the petitioner dated 06.06.2018 and 04.11.2019 against the orders of removal from service.

2. The case of the petitioner is that the petitioner was appointed as Grade II Police Constable through Uniformed Services Recruitment Board in the year 2009. Due to family problems, the petitioner went into depression and absented himself from duty from 14.06.2013 for 21 days and he was declared as a deserter by an order dated 10.07.2013. Thus, he has appeared before the authority on 15.07.2013 and after considering his representation, he was taken back for duty on 15.07.2013, however, he was imposed with a punishment of postponement of increment for two years without cumulative effect by an order dated 19.04.2014. Again, the petitioner was absented from duty from 19.07.2014 for 21 days and once again, he was declared as deserted vide order dated 14.08.2014. Hence, a charge memo was issued to him on 10.02.2015 and he was removed from service on 13.05.2015.



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2.2. In view of the above, the petitioner has preferred a revision petition before the second respondent on 10.07.2015 and the same was rejected on 26.04.2016 stating that the petitioner has deserted himself from duty on 4 occasions previously. Against the rejection order, the petitioner sent a representation dated 06.06.2018 and 04.11.2019 to the first respondent. Since the representations being made, no action was taken by the first respondent. Hence, the petitioner has come forward with the present writ petition.

3. Though very many grounds have been raised in this writ petition, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the first respondent to consider the petitioner's representation dated 06.06.2018 & 04.11.2019 and pass orders on merits, within a particular time frame to be fixed by this Court.

4. The learned Special Government Pleader appearing for the first respondent has no objection for said order being passed.



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5. Heard the learned counsel on either side and perused the materials placed on record.

6. Taking into consideration the factual aspects of the matter, this Court without going into the merits of the case, directs the first respondent to consider the petitioner's representation dated 06.06.2018 & 04.11.2019 and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above observation and direction, this writ petition is disposed of. No costs.

22.08.2023

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Index : Yes/No

Speaking Order : Yes/No



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To:

- 1.The Principal Secretary to Government,
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J.SATHYA NARAYANA PRASAD,J.

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